

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

United States of America,)	Cr. No. 0:04-872 (CMC)
)	
v.)	OPINION and ORDER
)	
Sly Aikens,)	
)	
Defendant.)	
)	

This matter is before the court on Defendant's motion "requesting a judicial recommendation concerning length of RRC/Halfway House Placement." ECF No. 79. Defendant seeks the court's recommendation that he spend the last twelve months of his period of incarceration at a Residential Reentry Center ("RRC"). Mot. at 1.

Determinations regarding placement pursuant to the Second Chance Act are solely within the province of the United States Bureau of Prisons ("BOP"). 42 U.S.C. § 17541(a); 18 U.S.C. § 3624(c)(6)(C) ("the Second Chance Act of 2007 [] shall ensure that placement in a community correctional facility by the Bureau of Prisons is. . . of sufficient duration to provide the greatest likelihood of successful reintegration into the community.") Therefore, the court cannot order that Defendant be placed in an RRC for twelve months.

However, Defendant is correct that the BOP takes into account a court's recommendation regarding the place of incarceration. *See* 18 U.S.C. § 3621 (b)(4)(B) ("The Bureau may designate any available penal or correctional facility. . . considering, . . any statement by the court that imposed the sentence. . . recommending a type or penal or correctional facility as appropriate.") As Defendant is sentenced to a lengthy term in prison, a longer period in an RRC may be beneficial

for reintegration into society. Therefore, this court recommends that Defendant be placed in an RRC for a period of twelve months before his release.

The court has no authority in this case to order Defendant's placement in an RRC, as where Defendant is housed is solely within the authority of the BOP. However, the court does recommend that Defendant be placed in an RRC for the last twelve months of his sentence.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
June 8, 2016